

S.B.CRIMINAL MISC. PETITION NO.36/2007
(Anil & Ors. Vs. State of Raj. & Anr.)

Date of order : : 28.05.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.Sanjay Mathur, for the petitioners.
Mr.Ashok Upadhyay, PP for the State.
Mr.M.P.Pareek, for the respondent No.2

By this petition under Section 482 Cr.P.C. petitioner seeks direction to quash FIR No.46/2006 registered at Police Station Mahila Thana, Bhilwara for offence under Section 498-A, 406 IPC.

Learned counsel for the petitioner states that the petitioner No.1 Anil and complainant have entered into a compromise. Now, they have no grievance against each other. They have also filed a joint petition under Section 13-B of Hindu Marriage Act before the District & Sessions Judge, Bhilwara for divorce by mutual consent. Therefore, he prays that looking to the facts and circumstances of the case, impugned FIR may be quashed. In support of his arguments, learned counsel for the

petitioner has placed reliance upon the judgment rendered by Hon'ble Supreme Court in case of B.S. Joshi & Ors. Vs. State of Haryana, reported in (2203) 4 SCC 675.

Learned Public Prosecutor and learned counsel for the respondent have also submitted before me that now both the parties are living separately and compromise has entered into between the parties.

I have considered the arguments made by learned counsel for the parties and gone through the case-diary. In pursuance of the order of this Court dated 10.4.2007, this matter has been investigated on the point of compromise. The fact regarding compromise arrived at between the parties is found to be true. I have also gone through the judgment cited by learned counsel for the petitioner in case of B.S. Joshi & Ors. (supra) wherein their Lordships while considering the object of introducing Chapter XX-A containing Section 498-A, have observed as under:

“There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to

a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her to her relatives to satisfy unlawful demands of dowry. The hyper technical view would be counterproductive and would act against interest of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code”.

“In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code”.

Taking into consideration the statement made by the learned counsel for the parties, I am satisfied that the parties have genuinely settled their matrimonial dispute and now they have no grievance against each other. In this view of the matter and taking into account the judgment rendered by Hon'ble Supreme Court in case of B.S. Joshi & Ors. (supra), I find it to be a fit case where inherent jurisdiction under Section 482 Cr.P.C. should be exercised.

For the reasons as stated hereinabove, I allow this

misc. petition and quash the FIR No.46/2006 dated 22.11.2006 registered at Police Station Mahila Thana District Bhilwara for offence under Sections 498-A and 406 IPC.

(KRISHAN KUMAR ACHARYA), J.

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